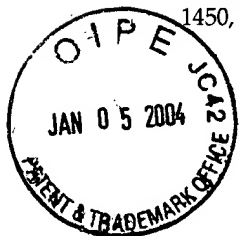


**EXPRESS CERTIFICATE OF MAILING**

Express Mail Certificate No. EV108179149US

I hereby certify that the *attached* correspondence comprising: 1). Declaration under 37 CFR §1.131 (5 pages) w/attachment (75 pages) is being deposited with the United States Postal Service "Express Mail Post Office to addressee" in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 1/5/04.



Kathy Raymond  
Kathy Raymond

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant :	Eric C. Honea, et al.	Docket No. :	IL-10507
Serial No. :	09/752,848	Art Unit :	2828
Filed :	12/29/2000	Examiner :	Tuan M. Nguyen
For :	PARASITIC OSCILLATION SUPPRESSION IN SOLID STATE LASERS USING OPTICAL COATINGS		

**DECLARATION UNDER 37 CFR §1.131**

Declaration of Eddie E. Scott of Prior Invention by  
Eric C. Honea and Raymond J. Beach to Overcome Cited Patent  
(New Declaration - Responsive to Office Action Mailed 10/27/2003)

Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Dear Sir:

I, Eddie E. Scott, hereby declare that:

- (1) I am the attorney representing the inventors named in the subject application and the owner of the application, the University of California;
- (2) I am a citizen of the United States and a resident of Danville, California;
- (3) My education includes: Bachelor of Science Degree, University of Wyoming; Master of Science Degree, University of Texas at Dallas; Juris Doctor

Degree, University of Wyoming; Patent Office Academy, Basic and Advanced, United States Patent and Trademark Office, Washington, D. C.;

(4) I am an active member of the State Bar of California, an inactive member of the State Bars of Texas and Wyoming, and I am registered to practice before the United States Patent and Trademark Office;

(5) I am employed by the University of California, at the Lawrence Livermore National Laboratory, Livermore, California, as Assistant Laboratory Counsel, having been employed by the University of California, at the Lawrence Livermore National Laboratory from May 1, 1999 to the present, and I am empowered to act on behalf of The Regents of the University of California, the owner of the subject application;

(6) The claims in the subject application were rejected over the Injeyan et al Reference, U.S. Patent No. 6,094,297, issued July 25, 2000 from an application filed July 7, 1998, therefore, July 7, 1998 is the filing date of the application from which the Injeyan et al Reference matured;

(7) I have obtained copies of certain documents (The Documents) maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) and I am one of the custodians of The Documents; copies of the documents are attached hereto; The Documents show that The Inventors, Eric C. Honea and Raymond J. Beach, made the invention described and claimed in the subject patent application (The Invention) in this country prior to July 7, 1998 and continuously worked on testing, developing, and patenting The Invention during the period from the time when they made the first written description of The Invention and disclosed The Invention to others until patent application was filed (The Time Period);

(8) The Inventors, Eric C. Honea and Raymond J. Beach, completed a "RECORD OF INVENTION" and ATTACHMENT A is photostatic copy of the "RECORD OF INVENTION," the photostatic copy of the "RECORD OF INVENTION" (ATTACHMENT A) includes sections showing that The Inventors, Eric C. Honea and Raymond J. Beach, conducted testing, developing, and patenting of The Invention that was continuously worked on during The Time Period, the "RECORD OF INVENTION," ATTACHMENT A was signed by The Inventors, Eric C. Honea and Raymond J. Beach on March 10, 1999 as shown in Section XVI. on page 6;

The ATTACHMENT A "RECORD OF INVENTION" in the Conception of the Invention Section XIII, contains an entry for the "Conception Date," the entry is "May 1997" which is prior to the Injeyan et al filing date of July 7, 1998; the "Conception Place" entry "LLNL" is in this country (USA);

(9) ATTACHMENTS B, C, D and E are documents that were included as attachments to Declarations by The Inventors, Eric C. Honea and Raymond J. Beach, the attachments are photostatic copies of written descriptions showing that The Inventors, Eric C. Honea and Raymond J. Beach, made The Invention in this country prior to July 7, 1998 (ATTACHMENT B), disclosed The Invention to others in this country prior to July 7, 1998 (ATTACHMENT C), disclosed The Invention to others in this country prior to July 7, 1998 and reduced The Invention to practice in this country prior to July 7, 1998 (ATTACHMENT D), and that prototypes of The Invention were made and tested prior to July 7, 1998 and The Invention was to reduced to practice in this country prior to July 7, 1998 (ATTACHMENT E);

(10) During The Time Period the Industrial Partnership and Commercialization Office (IPAC) of the Lawrence Livermore National Laboratory held monthly Invention Review Meetings and The Invention was


reviewed at the Invention Review Meetings during The Time Period; IPAC continuously reviews inventions and prioritizes inventions for patent application filing; The Invention was reviewed and prioritized by IPAC during The Time Period; a photostatic copy of a database entry showing that The Invention was reviewed by IPAC during The Time Period is attached as Attachment F;

(11) During The Time Period the Office of Laboratory Counsel (OLC) of the Lawrence Livermore National Laboratory, held monthly Invention Review Meetings and The Invention was reviewed at the Meetings during The Time Period; the Office of Laboratory Counsel (OLC) also held monthly meetings with the Industrial Partnership and Commercialization Office (IPAC) during The Time Period and The Invention was reviewed at the Meetings; OLC prepares patent applications for filing according to a priority list; the parent application of the subject application was prepared by OLC covering The Invention according to the priority list; a photostatic copy of a database entry showing that The Invention was reviewed and a patent application filed by OLC during The Time Period is attached as Attachment G;

(12) During The Time Period The Invention was continuously worked on; photostatic copies of documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) showing that The Invention was continuously worked on during The Time Period are attached as Attachments H, I, J, K, L, M, N, O, P, Q, R, S, and T;

(13) I do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to my application, and I have never abandoned my invention;

(14) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Signature)   
Declarant: Eddie E. Scott

Dated: January 5, 2004  
Livermore, California